

The entire team deserves recognition for winning the national championship, but I would like to take a moment and recognize a few players whose abilities have garnered extra honors. Seniors Fernando Pessoa and Joe Hillman received first and second team All-American honors, respectively, and sophomore Victor Batista also received second-team honors. Junior Carlos Moreno earned the distinction of being selected the Mountain Pacific Sports Federation Player of the Year, the American Volleyball Coaches Association Division I-II National Player of the Year, the Mountain Pacific Sports Federation Tournament Most Valuable Player, and the NCAA Tournament Most Outstanding Player.

Madam Speaker, I again congratulate the BYU Men's Volleyball team on its championship.

Mr. MATHESON. Madam Speaker, I rise today to congratulate the Brigham Young University men's volleyball team on their 2004 NCAA National Collegiate Men's Volleyball Championship. I am pleased to join my colleagues in cosponsoring this bill and encourage all of my colleagues in the House to support it. The Brigham Young University men's volleyball team made history before they ever set foot onto the court for the 2004 NCAA championship game. The Cougars regular season successes included a new school record of 21 straight victories, a 16–1 home court win-loss record, ten straight weeks on the USA Today/AVCA Coaches Top 15 Poll, and an average fan base of 2,600 at home court appearances.

The Cougars entered the NCAA Final Four as the top seed and the Mountain Pacific Sports Federation regular and season tournament champions. They defeated Lewis University, the defending national champions, during the semi-final match. This win led the Cougars to their fourth appearance in six years in the NCAA championship match, where they overcame a 10–6 deficit in game five to defeat Long Beach State University to win the national championship.

I congratulate the BYU men's volleyball team and Coach Tom Peterson on their championship season and wish them continued success as the build upon these accomplishments in the years to come.

Mr. KILDEE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the resolution, H. Res. 643.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

#### IMPROVING ACCESS TO ASSISTIVE TECHNOLOGY FOR INDIVIDUALS WITH DISABILITIES ACT OF 2004

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4278) to amend the Assistive Technology Act of 1998 to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4278

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004".

##### SEC. 2. AMENDMENT TO THE ASSISTIVE TECHNOLOGY ACT OF 1998.

The Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.) is amended to read as follows:

##### "SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Assistive Technology Act of 1998'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.

"Sec. 2. Findings and purposes.

"Sec. 3. Definitions.

"Sec. 4. Grants to States for purchase of assistive technology devices and assistive technology services.

"Sec. 5. Grants to States for protection and advocacy related to assistive technology.

"Sec. 6. Administrative provisions.

"Sec. 7. National activities.

"Sec. 8. Authorization of appropriations.

##### "SEC. 2. FINDINGS AND PURPOSES.

"(a) FINDINGS.—Congress finds the following:

"(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to—

"(A) live independently;

"(B) enjoy self-determination and make choices;

"(C) benefit from an education;

"(D) pursue meaningful careers; and

"(E) enjoy full inclusion and integration in the economic, political, social, cultural, and educational mainstream of society in the United States.

"(2) Technology is one of the primary engines for economic activity, education, and innovation in the Nation, and throughout the world. The commitment of the United States to the development and utilization of technology is one of the main factors underlying the strength and vibrancy of the economy of the United States.

"(3) As technology has come to play an increasingly important role in the lives of all persons in the United States, in the conduct of business, in the functioning of government, in the fostering of communication, in the conduct of commerce, and in the provision of education, its impact upon the lives of individuals with disabilities in the United States has been comparable to its impact upon the remainder of the citizens of the United States. Any development in mainstream technology would have profound implications for individuals with disabilities in the United States.

"(4) Over the last 15 years, the Federal Government has invested in the development of statewide comprehensive systems to help individuals with disabilities gain access to assistive technology devices and services.

This partnership with States provided an important service to individuals with disabilities by strengthening the capacity of each State to assist individuals with disabilities of all ages with their assistive technology needs.

"(5) Substantial progress has been made in the development of assistive technology devices, including adaptations to existing devices that facilitate activities of daily living, that significantly benefit individuals with disabilities of all ages. These devices and adaptations increase the involvement, and reduce expenditures associated with, programs and activities that facilitate communication, ensure independent living and functioning, enable early childhood development, support educational achievement, provide and enhance employment options, and enable full participation in community living and recreation for individuals with disabilities.

"(6) Despite the success of the Federal-State partnership in providing access to assistive technology and services, there is a continued need to provide information about the availability of assistive technology, advances in improving accessibility and functionality of assistive technology, and appropriate methods to secure and utilize assistive technology in order to maximize their independence and participation of individuals with disabilities in society.

"(b) PURPOSES.—The purposes of this Act are—

"(1) to support State efforts to improve the provision of assistive technology to individuals with disabilities through comprehensive statewide programs of technology-related assistance, for individuals with disabilities of all ages, that are designed to—

"(A) increase the availability of, funding for, access to, provision of, and training about assistive technology devices and assistive technology services;

"(B) increase the ability of individuals with disabilities of all ages to secure and maintain possession of assistive technology devices as such individuals make the transition between services offered by human service agencies or between settings of daily living (for example, between home and work);

"(C) increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages;

"(D) increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, and authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

"(E) increase and promote coordination among State agencies, between State and local agencies, among local agencies, and between State and local agencies and private entities (such as managed care providers), that are involved or are eligible to be involved in carrying out activities under this Act;

"(F) increase the awareness and facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

"(G) increase awareness and knowledge of the benefits of assistive technology devices and assistive technology services among targeted individuals and the general population; and

"(2) to provide States with financial assistance that supports programs designed to

maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

#### **"SEC. 3. DEFINITIONS.**

"In this Act:

"(1) **ADVOCACY SERVICES.**—The term 'advocacy services', except as used as part of the term 'protection and advocacy services', means services provided to assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives in accessing assistive technology devices and assistive technology services.

"(2) **AMERICAN INDIAN CONSORTIUM.**—The term 'American Indian Consortium' has the meaning given the term in section 102(l) of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 and that is established to provide protection and advocacy services for purposes of receiving funding under subtitle C of title I of such Act.

"(3) **ASSISTIVE TECHNOLOGY.**—The term 'assistive technology' means technology designed to be utilized in an assistive technology device or assistive technology service.

"(4) **ASSISTIVE TECHNOLOGY DEVICE.**—The term 'assistive technology device' means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

"(5) **ASSISTIVE TECHNOLOGY SERVICE.**—The term 'assistive technology service' means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

"(A) the evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

"(B) services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

"(C) services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

"(D) coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

"(E) training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

"(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

"(6) **CAPACITY BUILDING AND ADVOCACY ACTIVITIES.**—The term 'capacity building and advocacy activities' means efforts that—

"(A) result in laws, regulations, policies, practices, procedures, or organizational structures that promote consumer-responsive programs or entities; and

"(B) facilitate and increase access to, provision of, and funding for, assistive technology devices and assistive technology services, in order to empower individuals with disabilities to achieve greater independence, pro-

ductivity, and integration and inclusion within the community and the workforce.

"(7) **COMPREHENSIVE STATEWIDE PROGRAM OF TECHNOLOGY-RELATED ASSISTANCE.**—The term 'comprehensive statewide program of technology-related assistance' means a consumer-responsive program of technology-related assistance for individuals with disabilities, implemented by a State, and equally available to all individuals with disabilities residing in the State, regardless of their type of disability, age, income level, or location of residence in the State, or the type of assistive technology device or assistive technology service required.

"(8) **CONSUMER-RESPONSIVE.**—The term 'consumer-responsive'—

"(A) with regard to policies, means that the policies are consistent with the principles of—

"(i) respect for individual dignity, personal responsibility, self-determination, and pursuit of meaningful careers, based on informed choice, of individuals with disabilities;

"(ii) respect for the privacy, rights, and equal access (including the use of accessible formats) of such individuals;

"(iii) inclusion, integration, and full participation of such individuals in society;

"(iv) support for the involvement in decisions of a family member, a guardian, an advocate, or an authorized representative, if an individual with a disability requests, desires, or needs such involvement; and

"(v) support for individual and systems advocacy and community involvement; and

"(B) with respect to an entity, program, or activity, means that the entity, program, or activity—

"(i) is easily accessible to, and usable by, individuals with disabilities and, when appropriate, their family members, guardians, advocates, or authorized representatives;

"(ii) responds to the needs of individuals with disabilities in a timely and appropriate manner; and

"(iii) facilitates the full and meaningful participation of individuals with disabilities (including individuals from underrepresented populations and rural populations) and their family members, guardians, advocates, and authorized representatives, in—

"(I) decisions relating to the provision of assistive technology devices and assistive technology services to such individuals; and

"(II) decisions related to the maintenance, improvement, and evaluation of the comprehensive statewide program of technology-related assistance, including decisions that affect capacity building and advocacy activities.

"(9) **DISABILITY.**—The term 'disability' means a condition of an individual that is considered to be a disability or handicap for the purposes of any Federal law other than this Act or for the purposes of the law of the State in which the individual resides.

"(10) **INDIVIDUAL WITH A DISABILITY; INDIVIDUALS WITH DISABILITIES.**—

"(A) **INDIVIDUAL WITH A DISABILITY.**—The term 'individual with a disability' means any individual of any age, race, or ethnicity—

"(i) who has a disability; and

"(ii) who is or would be enabled by an assistive technology device or an assistive technology service to minimize deterioration in functioning, to maintain a level of functioning, or to achieve a greater level of functioning in any major life activity.

"(B) **INDIVIDUALS WITH DISABILITIES.**—The term 'individuals with disabilities' means more than one individual with a disability.

"(11) **INSTITUTION OF HIGHER EDUCATION.**—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), and includes a community

college receiving funding under the Tribally Controlled Community College Assistance Act of 1978 (25 U.S.C. 1801 et seq.).

"(12) **PROTECTION AND ADVOCACY SERVICES.**—The term 'protection and advocacy services' means services that—

"(A) are described in part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), or section 509 of the Rehabilitation Act of 1973; and

"(B) assist individuals with disabilities with respect to assistive technology devices and assistive technology services.

"(13) **SECRETARY.**—The term 'Secretary' means the Secretary of Education.

"(14) **STATE.**—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(B) **OUTLYING AREAS.**—In sections 4(c) and 5(b):

"(i) **OUTLYING AREA.**—The term 'outlying area' means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(ii) **STATE.**—The term 'State' does not include the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(15) **TARGETED INDIVIDUALS.**—The term 'targeted individuals' means—

"(A) individuals with disabilities of all ages and their family members, guardians, advocates, and authorized representatives;

"(B) individuals who work for public or private entities (including insurers or managed care providers), that have contact with individuals with disabilities;

"(C) educators and related services personnel;

"(D) technology experts (including engineers);

"(E) health and allied health professionals;

"(F) employers; and

"(G) other appropriate individuals and entities.

"(16) **TECHNOLOGY-RELATED ASSISTANCE.**—The term 'technology-related assistance' means assistance provided through capacity building and advocacy activities that accomplish the purposes described in any of subparagraphs (A) through (G) of section 2(b)(1).

"(17) **UNDERREPRESENTED POPULATION.**—The term 'underrepresented population' means a population that is typically underrepresented in service provision, and includes populations such as persons who have low-incidence disabilities, persons who are minorities, poor persons, persons with limited-English proficiency, older individuals, or persons from rural areas.

"(18) **UNIVERSAL DESIGN.**—The term 'universal design' means a concept or philosophy for designing and delivering products and services that are usable by people with the widest possible range of functional capabilities, which include products and services that are directly usable (without requiring assistive technologies) and products and services that are made usable with assistive technologies.

#### **"SEC. 4. GRANTS TO STATES FOR PURCHASE OF ASSISTIVE TECHNOLOGY DEVICES AND ASSISTIVE TECHNOLOGY SERVICES.**

"(a) **GRANTS TO STATES.**—The Secretary shall award grants, in accordance with this section, to States to maintain comprehensive statewide programs of technology related assistance to support programs that

are designed to maximize the ability of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to obtain assistive technology devices and assistive technology services.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—

“(A) REQUIRED ACTIVITIES.—Except as provided in subparagraph (C), any State that receives a grant under this section shall use a portion of the funds made available through the grant to carry out the activities described in subparagraphs (A) and (B) of paragraph (2).

“(B) DISCRETIONARY ACTIVITIES.—Any State that receives a grant under this section may use the funds made available through the grant to carry out the activities described in subparagraph (C) or (D) of paragraph (2).

“(C) SPECIAL RULE.—Any State in which financial support for the activities described in subparagraph (A) or (B) of paragraph (2) is provided from State or other resources shall not be required to expend the funds provided under the grant to carry out the activities described in subparagraph (A) or (B), as the case may be. Such financial support shall be comparable to the amount of the grant the State would otherwise have expended for such activities.

“(2) STATE-LEVEL ACTIVITIES.—

“(A) STATE FINANCE SYSTEMS.—The State shall support activities to increase access to, and funding for, assistive technology devices and assistive technology services, including the development of systems to provide assistive technology devices and assistive technology services to individuals with disabilities of all ages, and that pay for such devices and services, such as—

“(i) the development of systems for the purchase, lease, other acquisition, or payment for the provision of assistive technology devices and assistive technology services; or

“(ii) the establishment of alternative State or privately funded systems of subsidies for the provision of assistive technology devices or assistive technology services, such as—

“(I) a low-interest loan fund;

“(II) an interest buy-down program;

“(III) a revolving loan fund;

“(IV) a loan guarantee or insurance program;

“(V) a program operated by a partnership among private entities for the purchase, lease, or other acquisition of assistive technology devices or assistive technology services; or

“(VI) another mechanism approved by the Secretary.

“(B) DEVICE LOAN PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out device loan programs that support the short-term loan of assistive technology devices to individuals, employers, public agencies, public accommodations, or others seeking to meet the needs of targeted individuals, including to comply with the Individuals with Disabilities Education Act, the Americans with Disabilities Act of 1990, and section 504 of the Rehabilitation Act of 1973.

“(C) DEVICE REUTILIZATION PROGRAMS.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device reutilization programs that provide for the exchange, recycling, or other reutilization of assistive technology devices, which may include redistribution through device and equipment loans, rentals, or gifts.

“(D) DEVICE DEMONSTRATION PROGRAM.—The State shall directly, or in collaboration with public or private entities, carry out assistive technology device demonstration programs that provide for the ability of tar-

geted individuals to learn about the use and operation of assistive technology devices.

“(3) STATE LEADERSHIP ACTIVITIES.—

“(A) IN GENERAL.—Any State that receives a grant under this section may use up to 40 percent of the funds made available through the grant to carry out the activities described in subparagraph (B).

“(B) REQUIRED ACTIVITIES.—The State shall support—

“(i) public awareness activities designed to provide information to targeted individuals relating to the availability and benefits of assistive technology devices and assistive technology services, including—

“(I) the development and dissemination of information relating to—

“(aa) the nature of assistive technology devices and assistive technology services;

“(bb) the appropriateness of, cost of, availability of, evaluation of, and access to, assistive technology devices and assistive technology services; and

“(cc) the benefits of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities of all ages to perform activities of daily living;

“(II) the development of procedures for providing direct communication between providers of assistive technology and targeted individuals, which may include partnerships with the State and local workforce investment system established under the Workforce Investment Act of 1998, State vocational rehabilitation centers, public and private employers, or elementary and secondary public schools; and

“(III) the development and dissemination, to targeted individuals, of information about State efforts related to assistive technology; and

“(IV) the distribution of materials to appropriate public and private agencies that provide social, medical, educational, employment, and transportation services to individuals with disabilities.

“(i) technical assistance and training on—

“(I) the development of training materials and the conduct of training in the use of assistive technology devices and assistive technology services;

“(II) providing technical assistance, including technical assistance concerning how—

“(aa) to consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing any individualized plan or program authorized under Federal or State law; and

“(bb) to increase consumer participation regarding assistive technology devices and assistive technology services; and

“(III) the enhancement of the assistive technology skills and competencies of—

“(aa) individuals who work for public or private entities (including insurers and managed care providers), who have contact with individuals with disabilities;

“(bb) educators and related services personnel;

“(cc) technology experts (including engineers);

“(dd) health and allied health professionals;

“(ee) employers; and

“(ff) other appropriate personnel; and

“(iii) outreach and support to statewide and community-based organizations that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices and assistive technology services, including a focus on organizations assisting individuals from underrepresented populations and rural populations, and further including support such as outreach to

consumer organizations and groups in the State to coordinate efforts to assist individuals with disabilities of all ages and their family members, guardians, advocates, or authorized representatives, to obtain funding for, access to, and information on evaluation of assistive technology devices and assistive technology services.

“(C) AUTHORIZED ACTIVITIES.—The State may support the operation and administration of the activities in paragraph (2), through interagency coordination to develop and promote the adoption of policies that improve access to assistive technology devices and assistive technology services for individuals with disabilities of all ages in the State and that result in improved coordination among public and private entities that are responsible or have the authority to be responsible, for policies, procedures, or funding for, or the provision of assistive technology devices and assistive technology services to, such individuals.

“(4) INDIRECT COSTS.—Not more than 10 percent of the funds made available through a grant to a State under this section may be used for indirect costs.

“(5) PROHIBITION.—Funds made available through a grant to a State under this section shall not be used for direct payment for an assistive technology device for an individual with a disability.

“(6) STATE FLEXIBILITY.—

“(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), a State may use funds that it receives under a grant under this section to carry out any of the activities described in paragraph (2).

“(B) SPECIAL RULE.—Notwithstanding paragraph (3)(A), any State which exercises its authority under subparagraph (A) may not use more than 30 percent of the funds made available through the grant to carry out the activities described in paragraph (3)(B).

“(C) AMOUNT OF FINANCIAL ASSISTANCE.—

“(1) GRANTS TO OUTLYING AREAS.—From the funds appropriated under section 8(a) for any fiscal year for grants under this section, the Secretary shall make a grant in an amount of not more than \$105,000 to each eligible outlying area.

“(2) GRANTS TO STATES.—From the funds described in paragraph (1) that are not used to make grants under paragraph (1), the Secretary shall make grants to States in accordance with the requirements described in paragraph (3).

“(3) CALCULATION OF STATE GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall allocate funds to each State for a fiscal year in an amount that bears the same ratio as the population of the State bears to the population of all States.

“(B) MINIMUM ALLOTMENT.—A State shall receive an amount under a grant for a fiscal year that is not less than the amount the State received under the grant provided under title I of this Act (as in effect on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) for fiscal year 2004.

“(C) RATABLE REDUCTIONS.—

“(i) IN GENERAL.—If amounts made available to carry out this section for any fiscal year are insufficient to meet the minimum allotment requirement for each State under subparagraph (B) for such fiscal year, the Secretary shall ratably reduce such amounts for such fiscal year.

“(ii) ADDITIONAL FUNDS.—If additional funds become available for making payments described under this subsection for any such fiscal year, the amounts that were reduced under clause (i) shall be increased on the same basis as such amounts were reduced.

“(d) LEAD AGENCY.—

“(1) DESIGNATION.—To be eligible to receive a grant under this section, the Governor of the State shall designate in accordance with paragraph (2) a lead agency to administer the grant under this section.

“(2) ELIGIBLE ENTITIES.—For purposes of paragraph (1), the Governor of the State may designate one of the following:

“(A) The State agency responsible for the administration of vocational rehabilitation in the State.

“(B) A commission, council, or other official body appointed by the Governor.

“(C) A public-private partnership or consortium.

“(D) A public agency (including the office of the Governor, a State oversight office, a State agency, a public institution of higher education, or other public entity).

“(E) A council established under Federal or State law.

“(F) An organization described in section 501(c)(3) of Internal Revenue Code of 1986 and exempt from tax under section 501(a) of that Act.

“(G) Another appropriate office, agency, entity, or organization.

“(3) DUTIES OF THE LEAD AGENCY.—The duties of the lead agency shall include—

“(A) submitting the application described in subsection (e) on behalf of the State;

“(B) administering and supervising the use of amounts made available under the grant received by the State under this section;

“(C) (i) coordinating efforts related to, and supervising the preparation of, the application described in subsection (e);

“(ii) coordinating, maintaining, and evaluating the comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private entities, including coordinating efforts related to entering into interagency agreements; and

“(iii) coordinating efforts, especially efforts carried out with entities that provide protection and advocacy services described in section 5, related to the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant;

“(D) delegating, in whole or in part, any responsibilities described in subparagraph (A), (B), or (C) to one or more appropriate offices, agencies, entities, or individuals; and

“(E) establishing a partnership or partnerships with private providers of social, medical, educational, employment, and transportation services to individuals with disabilities.

“(4) CHANGE IN LEAD AGENCY.—The Governor may change the lead agency of the State (to an agency other than the lead agency of the State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004) if the Governor provides a justification in the application to the Secretary for such action. Nothing in this subsection shall be construed to require the Governor of a State to change the lead agency of the State to an agency other than the lead agency of such State as of the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004.

“(e) STATE APPLICATION.—

“(1) SUBMISSION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application at such time and in such manner as the Secretary may specify.

“(2) CONTENT.—Each application shall contain, at a minimum, the following information:

“(A) PLANNED ACTIVITIES.—A description of those activities described in subsection (b)(2) that the State will carry out under the grant.

“(B) MEASURABLE GOALS.—A description of—

“(i) the measurable goals the State has set for addressing the assistive technology needs of individuals with disabilities in the State, including any measurable goals, and a timeline for meeting such goals, related to—

“(I) education, including goals involving the provision of assistive technology to individuals with disabilities that receive services under the Individuals with Disabilities Education Act;

“(II) employment, including goals involving the State vocational rehabilitation program carried out under title I of the Rehabilitation Act of 1973;

“(III) telecommunication and information technology; and

“(IV) community living; and

“(ii) how the State will quantifiably measure the goals to determine whether the goals have been achieved.

“(C) INVOLVEMENT OF INDIVIDUALS WITH DISABILITIES OF ALL AGES AND THEIR FAMILIES.—A description of how individuals with disabilities of all ages and their families—

“(i) were involved in selecting—

“(I) the goals;

“(II) the activities to be undertaken in achieving the goals; and

“(III) the measures to be used in judging if the goals have been achieved; and

“(ii) will be involved in measuring whether the goals have been achieved.

“(D) STATE SUPPORT.—A description of those activities described in subsection (b)(2) that the State will support under the grant, including at a minimum the State's plans to provide financial support, consistent with subsection (b)(1), for the activities described in subparagraphs (A) and (B) of such subsection.

“(E) ASSURANCE.—An assurance that the physical location of the entity responsible for conducting the State activities under this Act meets the requirements of the Americans with Disabilities Act of 1990 regarding accessibility for individuals with disabilities.

“(F) OTHER INFORMATION.—Such other information as the Secretary may reasonably require.

#### **“SEC. 5. GRANTS TO STATES FOR PROTECTION AND ADVOCACY RELATED TO ASSISTIVE TECHNOLOGY.**

“(a) GRANTS TO STATES.—

“(1) IN GENERAL.—The Secretary shall make a grant to an entity in each State to support protection and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.) for the purposes of assisting in the acquisition, utilization, or maintenance of assistive technology or assistive technology services for individuals with disabilities.

“(2) SPECIAL RULE.—Notwithstanding paragraph (1), for a State that, on the day before the date of the enactment of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, was described in section 102(a)(2) of this Act, the Secretary shall make the grant to the lead agency designated under section 4(d). The lead agency shall determine how the funds made available under this section shall be divided among the entities that were providing protection and advocacy services in that State on that day, and distribute the funds to the entities. In distributing the funds, the lead agency shall not establish any further eligibility or procedural requirements for an entity in that State that supports protection

and advocacy services through the systems established to provide protection and advocacy services under the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.). Such an entity shall comply with the same requirements (including reporting and enforcement requirements) as any other entity that received funding under paragraph (1).

“(b) AMOUNT OF FINANCIAL ASSISTANCE.—

“(1) GRANTS TO OUTLYING AREAS AND AMERICAN INDIAN CONSORTIUM.—

“(A) OUTLYING AREAS.—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to each eligible system within an outlying area.

“(B) AMERICAN INDIAN CONSORTIUM.—From the funds appropriated under section 8(b) for any fiscal year, the Secretary shall make a grant in an amount of not more than \$30,000 to the American Indian Consortium to provide services in the same manner as an eligible system described under this section. If the amount appropriated under section 8(b) for a fiscal year exceeds the amount appropriated under such section for the preceding fiscal year, then the amount referred to in the preceding sentence shall be increased for such fiscal year by the same percentage as such amount appropriated under section 8(b) exceeds the amount appropriated under such section for the preceding fiscal year.

“(2) GRANTS TO STATES.—For any fiscal year, after reserving funds to make grants under paragraph (1), the Secretary shall make allotments from the remainder of the funds in accordance with paragraph (3) to eligible systems within States to support protection and advocacy services as described in subsection (a). The Secretary shall make grants to the eligible systems from the allotments.

“(3) SYSTEMS WITHIN STATES.—

“(A) POPULATION BASIS.—Except as provided in subparagraph (B), from such remainder for each fiscal year, the Secretary shall make an allotment to the eligible system within a State of an amount bearing the same ratio to such remainder as the population of the State bears to the population of all States.

“(B) MINIMUMS.—Subject to the availability of appropriations to carry out this section, the allotment to any system under subparagraph (A) shall be not less than \$50,000, and the allotment to any system under this paragraph for any fiscal year that is less than \$50,000 shall be increased to \$50,000.

“(4) REALLOTMENT.—Whenever the Secretary determines that any amount of an allotment under paragraph (3) to a system within a State for any fiscal year will not be expended by such system in carrying out the provisions of this section, the Secretary shall make such amount available for carrying out the provisions of this section to all other systems in the same proportion such amounts were first allocated to such systems.

“(5) CARRYOVER.—Any amount paid to an eligible system for a fiscal year under this section that remains unobligated at the end of such fiscal year shall remain available to such system for obligation during the subsequent fiscal year, except that program income generated from such amount shall remain available for two additional fiscal years and may only be used to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting such individuals in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

“(c) REPORT TO SECRETARY.—An entity that receives a grant under this section shall

annually prepare and submit to the Secretary a report that contains such information as the Secretary may require, including documentation of the progress of the entity in—

“(1) conducting consumer-responsive activities, including activities that will lead to increased access, for individuals with disabilities, to funding for assistive technology devices and assistive technology services;

“(2) engaging in informal advocacy to assist in securing assistive technology and assistive technology services for individuals with disabilities;

“(3) engaging in formal representation for individuals with disabilities to secure systems change, and in advocacy activities to secure assistive technology and assistive technology services for individuals with disabilities;

“(4) developing and implementing strategies to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to advocate the provision of assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act;

“(5) coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the capacity building and advocacy activities carried out by the lead agency; and

“(6) effectively allocating carryover funds described in subsection (b)(5) to improve the awareness of individuals with disabilities on the accessibility of assistive technology and assisting them in the acquisition, utilization, or maintenance of assistive technology or assistive technology services.

“(d) **REPORTS AND UPDATES TO STATE AGENCIES.**—An entity that receives a grant under this section shall prepare and submit to the lead agency the report described in subsection (c) and quarterly updates concerning the activities described in subsection (c).

“(e) **COORDINATION.**—On making a grant under this section to an entity in a State, the Secretary shall solicit and consider the opinions of the lead agency of the State designated under section 4(d) with respect to efforts at coordination, collaboration, and promoting outcomes between the lead agency and the entity that receives the grant under this section.

#### “SEC. 6. ADMINISTRATIVE PROVISIONS.

“(a) **GENERAL ADMINISTRATION.**—Notwithstanding any other provision of law, the Rehabilitation Services Administration in the Office of Special Education and Rehabilitative Services of the Department of Education shall be responsible for the administration of this Act.

“(b) **REVIEW OF PARTICIPATING ENTITIES.**—

“(1) **IN GENERAL.**—The Secretary shall assess the extent to which entities that receive grants pursuant to this Act are complying with the applicable requirements of this Act and achieving the quantifiable, measurable goals that are consistent with the requirements of the grant programs under which the entities applied for the grants.

“(2) **PROVISION OF INFORMATION.**—To assist the Secretary in carrying out the responsibilities of the Secretary under this section, the Secretary may require States to provide relevant information, including the information required under subsection (d).

“(c) **CORRECTIVE ACTION AND SANCTIONS.**—

“(1) **CORRECTIVE ACTION.**—If the Secretary determines that an entity fails to substantially comply with the requirements of this Act or to substantially make progress towards meeting the goals established under section 4(e)(2)(B) with respect to a grant pro-

gram, the Secretary shall assist the entity through technical assistance funded under section 7 or other means, within 90 days after such determination, to develop a corrective action plan.

“(2) **SANCTIONS.**—An entity that fails to develop and comply with a corrective action plan as described in paragraph (1) during a fiscal year shall be subject to one of the following corrective actions selected by the Secretary:

“(A) Partial or complete withholding of funds under the grant program until such plan is developed and implemented.

“(B) Reduction in the amount of funding that may be used for indirect costs under section 4(b)(4) for the following year under the grant program.

“(C) Required redesignation of the lead agency designated under section 4(d) or an entity responsible for administering the grant program.

“(3) **APPEALS PROCEDURES.**—The Secretary shall establish appeals procedures for entities that are found to be in noncompliance with the requirements of this Act or have not substantially made progress towards meeting the goals established under section 4(e)(2)(B).

“(4) **SECRETARIAL ACTION.**—As part of the annual report required under subsection (d), the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(5) **PUBLIC NOTIFICATION.**—The Secretary shall notify the public by posting on the Internet website of the Department of Education of each action taken by the Secretary under paragraph (1) or (2). As a part of such notification, the Secretary shall describe each such action taken under paragraph (1) or (2) and the outcomes of each such action.

“(d) **ANNUAL REPORT.**—

“(1) **IN GENERAL.**—Not later than December 31 of each year, the Secretary shall prepare, and submit to the President and to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report on the activities funded under this Act to improve the access of individuals with disabilities to assistive technology devices and assistive technology services.

“(2) **CONTENTS.**—Such report shall include information on—

“(A) the type of alternative financing mechanisms used by each State under the program;

“(B) the amount and type of assistance given to consumers (who shall be classified by age, type of disability, type of assistive technology device or assistive technology service financed through the program, geographic distribution within the State, gender, and whether the consumers are part of an underrepresented population or rural population), including—

“(i) the number of applications for assistance received;

“(ii) the number of applications approved and rejected;

“(iii) the default rate;

“(iv) the range and average interest rate;

“(v) the range and average income of approved loan applicants; and

“(vi) the types and dollar amounts of assistive technology financed;

“(C) the number, type, and length of time of loans of assistive technology devices provided to individuals with disabilities, employers, public agencies, or public accommodations, including an analysis of the individuals with disabilities who have benefited from the device loan program;

“(D) the number, type, estimated value, and scope of device reutilization programs, including an analysis of the individuals with

disabilities that have benefited from the device loan program;

“(E) the number and type of equipment demonstrations provided, including an analysis of individuals with disabilities who have benefited from the program;

“(F) a summary of the State plans and annual reports submitted by the States, including an analysis of the progress of the States in meeting their goals established in the State application;

“(G) the number of individuals who received training and the topics of such training;

“(H) the frequency and nature of technical assistance provided to State and local governmental agencies and other entities; and

“(I) the outcomes of interagency coordination and collaboration activities carried out by the State, as applicable, that support access to assistive technology including the type, purpose, and source of leveraged funding or other contributed resources from public and private entities.

“(e) **EFFECT ON OTHER ASSISTANCE.**—This Act may not be construed as authorizing a Federal or a State agency to reduce medical or other assistance available, or to alter eligibility for a benefit or service, under any other Federal law.

#### “SEC. 7. NATIONAL ACTIVITIES.

“(a) **IN GENERAL.**—Through grants, contracts, or cooperative agreements, awarded on a competitive basis, the Secretary is authorized to provide technical assistance to entities, principally entities funded under section 4 or 5.

“(b) **INPUT.**—In designing the program to be funded under this section, and in deciding the differences in function between national and regionally based technical assistance efforts carried out through the program, the Secretary shall consider the input of the directors of comprehensive statewide programs of technology-related assistance and other individuals the Secretary determines to be appropriate, especially—

“(1) individuals with disabilities who use assistive technology and understand the barriers to the acquisition of such technology and assistive technology services;

“(2) family members, guardians, advocates, and authorized representatives of such individuals; and

“(3) individuals employed by protection and advocacy systems funded under section 5.

“(c) **AUTHORIZED ACTIVITIES.**—The Secretary shall support activities designed to maximize the impact and benefit of assistive technology devices and assistive technology services for individuals with disabilities, including the following activities:

“(1) **NATIONAL PUBLIC INTERNET SITE.**—

“(A) **ESTABLISHMENT OF INTERNET SITE.**—The Secretary shall fund the establishment and maintenance of a National Public Internet Site for the purposes of providing to individuals with disabilities and the general public technical assistance and information on increased access to assistive technology devices, assistive technology services, and other disability-related resources.

“(B) **ELIGIBLE ENTITY.**—To be eligible to receive a grant or enter into a contract or cooperative agreement under subsection (a) to establish and maintain the Internet site, an entity shall be an institution of higher education that emphasizes research and engineering, has a multidisciplinary research center, and has demonstrated expertise in—

“(i) working with assistive technology and intelligent agent interactive information dissemination systems;

“(ii) managing libraries of assistive technology and disability-related resources;

“(iii) delivering education, information, and referral services to individuals with disabilities, including technology-based curriculum development services for adults with low-level reading skills;

“(iv) developing cooperative partnerships with the private sector, particularly with private sector computer software, hardware, and Internet services entities; and

“(v) developing and designing advanced Internet sites.

“(C) FEATURES OF INTERNET SITE.—The National Public Internet Site described in subparagraph (A) shall contain the following features:

“(i) AVAILABILITY OF INFORMATION AT ANY TIME.—The site shall be designed so that any member of the public may obtain information posted on the site at any time.

“(ii) INNOVATIVE AUTOMATED INTELLIGENT AGENT.—The site shall be constructed with an innovative automated intelligent agent that is a diagnostic tool for assisting users in problem definition and the selection of appropriate assistive technology devices and assistive technology services resources.

“(iii) RESOURCES.—

“(I) LIBRARY ON ASSISTIVE TECHNOLOGY.—The site shall include access to a comprehensive working library on assistive technology for all environments, including home, workplace, transportation, and other environments.

“(II) RESOURCES FOR A NUMBER OF DISABILITIES.—The site shall include resources relating to the largest possible number of disabilities, including resources relating to low-level reading skills.

“(iv) LINKS TO PRIVATE SECTOR RESOURCES AND INFORMATION.—To the extent feasible, the site shall be linked to relevant private sector resources and information, under agreements developed between the institution of higher education and cooperating private sector entities.

“(D) MINIMUM LIBRARY COMPONENTS.—At a minimum, the Internet site shall maintain updated information on—

“(i) how to plan, develop, implement, and evaluate activities to further extend comprehensive statewide programs of technology-related assistance, including the development and replication of effective approaches to—

“(I) providing information and referral services;

“(II) promoting interagency coordination of training and service delivery among public and private entities;

“(III) conducting outreach to underrepresented populations and rural populations;

“(IV) mounting successful public awareness activities;

“(V) improving capacity building in service delivery;

“(VI) training personnel from a variety of disciplines; and

“(VII) improving evaluation strategies, research, and data collection;

“(ii) effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

“(iii) successful approaches to increasing the availability of public and private funding for and access to the provision of assistive technology devices and assistive technology services by appropriate State agencies; and

“(iv) demonstration sites where individuals may try out assistive technology.

“(2) TECHNICAL ASSISTANCE EFFORTS.—The Secretary shall, on a competitive basis, make grants to, or enter into cooperative agreements with, eligible entities—

“(A) to address State-specific information requests concerning assistive technology from other entities funded under this Act

and public entities not funded under this Act, including—

“(i) requests for state-of-the-art, or model, Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services;

“(ii) requests for examples of policies, practices, procedures, regulations, or judicial decisions that have enhanced or may enhance access to funding for assistive technology devices and assistive technology services for individuals with disabilities;

“(iii) requests for information on effective approaches to Federal-State coordination of programs for individuals with disabilities, related to improving funding for or access to assistive technology devices and assistive technology services for individuals with disabilities of all ages;

“(iv) requests for information on effective approaches to the development of consumer-controlled systems that increase access to, funding for, and awareness of, assistive technology devices and assistive technology services;

“(v) other requests for technical assistance from other entities funded under this Act and public entities not funded under this Act; and

“(vi) other assignments specified by the Secretary, including assisting entities described in section 6(b) to develop corrective action plans; and

“(B) to assist targeted individuals by disseminating information about—

“(i) Federal, State, and local laws, regulations, policies, practices, procedures, and organizational structures, that facilitate, and overcome barriers to, funding for, and access to, assistive technology devices and assistive technology services, to promote fuller independence, productivity, and inclusion in society for individuals with disabilities of all ages; and

“(ii) technical assistance activities undertaken under subparagraph (A).

“(d) ELIGIBLE ENTITIES.—To be eligible to compete for grants, contracts, and cooperative agreements under this section, entities shall have documented experience with and expertise in assistive technology service delivery or systems, interagency coordination, and capacity building and advocacy activities.

“(e) APPLICATION.—To be eligible to receive a grant, contract, or cooperative agreement under this section, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

#### “SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

“(a) STATE GRANTS FOR ASSISTIVE TECHNOLOGY; NATIONAL ACTIVITIES.—There are authorized to be appropriated to carry out sections 4 and 7 of this Act \$21,524,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010. Of the amount appropriated pursuant to the authorization of appropriations under this subsection for a fiscal year, not more than \$1,235,000 may be made available to carry out section 7 of this Act.

“(b) STATE GRANTS FOR PROTECTION AND ADVOCACY.—There are authorized to be appropriated to carry out section 5 of this Act \$4,419,000 for fiscal year 2005 and such sums as may be necessary for each of fiscal years 2006 through 2010.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Michigan (Mr. KILDEE) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

#### GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4278.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of H.R. 4278, the Improving Access to Assistive Technology For Individuals With Disabilities Act of 2004.

This legislation reauthorizes and reforms the Assistive Technology Act, which was created in 1988. Since then the Federal Government has played an important role in helping States develop systems to provide access to assistive technology devices and services for individuals with disabilities.

The original intent of this program was to provide seed money to establish statewide systems to help individuals with disabilities access assistive technology. Since then, all 50 States, the District of Columbia, Puerto Rico, and the outlying areas have established systems of some design and scope.

In 1998, we added the alternative financing program as a competitive grant program and we have seen many States make wonderful progress in expanding the opportunities made available to individuals with disabilities.

The original law contained a sunset provision in which the funding for these deficits would expire after 10 years. However, the program has continued to receive funds for the past 6 years since the initial 10 years were completed. These funds are now running out, and it is necessary to reauthorize this act to ensure that these programs continue to meet the needs of individuals with disabilities.

The Federal funds distributed to States over the last 16 years have allowed States to set up the needed infrastructure to support assistive technology systems. To continue the success of the assistive technology programs and to ensure that Federal money is used to best provide services to individuals with disabilities, significant reform of the Assistive Technology Act is needed.

This bill shifts the focus of the program to provide greater direct benefit to individuals with disabilities. Our goal is to help States get more assistive technology directly into the hands of the individuals with disabilities. This new focus expands the reach of the State programs by moving away from support of administration activities and emphasizing the importance of getting the technology itself to the individuals with disabilities that need it.

I know that this will help States continue to make progress in their efforts



to expand access to assistive technology and that increasing numbers of individuals with disabilities will be able to participate in society more fully every day.

Although we are refocusing the program, we certainly recognize the importance of State flexibility, and our bill maintains that important element of this program.

We direct States to focus their efforts to putting the technology into the hands of individuals with disabilities, but allow them the freedom to decide how they would go about that and which efforts will work best in their State to accomplish that goal.

States have two options in regard to their expenditures of Federal funds. In one option States could allocate 70 percent of the resources to State level activities and spend no more than 30 percent on State level activities. State level activities are more focused on directly giving individuals with disabilities assistive technology access and services, while State leadership activities are more administrative. Under this option, the States would have full flexibility to select the activities in each category that they would support.

In the other option, States would choose to spend 60 percent of the resources on State level activities and no more than 40 percent on State leadership activities. However, the State would be required to support two particular State level activities, the alternative financing program and the device loan program. I believe that the increased focus on State level activities coupled with the State flexibility will drastically improve the program and the assistance in services it provides to individuals with disabilities.

I am pleased with the changes that H.R. 4278 makes to the Assistive Technology Act, and I believe they will greatly improve the lives of those affected by a disability. In crafting this legislation, we worked with our friends across the aisle, our friends in the disability community, and our State directors. I believe we have come up with a creative proposal that will give States significant flexibility while also ensuring that the focus of the program does shift in the right direction. The reforms we have crafted in this bill respond to the concerns of the critics of this program, and it will place the program on solid footing for continued and future success.

I would like to thank the gentleman from Michigan (Mr. KILDEE) and his staff for the long hours that have gone into this process so far. I would also like to thank the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Rhode Island (Mr. LANGEVIN) for their support of this important legislation. As co-chairs of the Disability Caucus, they know the importance of this legislation and we are glad to have their support today. I am very pleased with this bill, and I am glad to say we have been able to come together in a bipartisan way to improve this important program.

I would also like to thank our friends in the disability community for working with us so diligently throughout this process. Your support for this legislation is valued, and it is important that this has been such an open and deliberative process.

I strongly support H.R. 4278, the Improving Access for Individuals With Disabilities Act of 2004, and I urge my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Mr. KILDEE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H.R. 4278. The bill is a culmination of many months of bipartisan efforts to reauthorize the Assistive Technology Act.

This law is an important component in ensuring that individuals with disabilities can access assistive technology to attend school, to maintain employment, and to live independently.

As Members know, this bill is critically needed. This legislation finally ensures that States grant programs can count on a stable source of Federal funds to support their operations. The last reauthorization of the Assistive Technology Act in 1998 sunset the State grant program. For the past 3 years, many States have wondered whether a certain year would be the last year of Federal funding. This bill erases this doubt by ensuring that all States will be eligible for funding through 2010.

I want to mention the inclusion of the American Indian Consortium as a funded protection and advocacy system under this legislation. Individuals with disabilities in Indian Country are some of the most disadvantaged when it comes to the ability to access assistive technology. This bill will provide resources to this consortium to ensure the needs of Native Americans seeking assistive technology are represented.

This provision alone will have a tremendously positive impact on Indian Country. The momentum behind this bill would not have been possible without a real bipartisan effort to move this bill. I want to thank particularly the gentleman from Ohio (Mr. BOEHNER), the gentleman from California (Mr. McKEON), and the gentleman from Delaware (Mr. CASTLE), its former governor, for his hard work on this bill, and I want to thank their staffs for working closely with my staff.

We have truly created a bill that will improve the ability of individuals with disabilities to access assistive technology. This legislation is an excellent example of what we can accomplish if we put our efforts into working together.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield back the balance of my time, I would like to thank the gentleman from Michigan (Mr. KILDEE). I do not work with him as much as I used to but he has always been wonderful to work with. A lot of the work on this bill, as the gentleman and I both know, was done by the gentleman from California (Mr. McKEON), who deserves a tremendous amount of the credit for bringing this together. But the gentleman from Michigan's (Mr. KILDEE) help and that of the amiable gentleman from California (Mr. McKEON) is tremendous in pulling together partisan interests and differing interests and bringing them together to allow legislation like this to move forward.

I would encourage all of the Members to support it.

Mr. HOYER. Madam Speaker, technology has become tremendously important in everyone's daily lives, but there are perhaps few places where technology plays as important a role in an individual's daily life than for individuals with disabilities.

That is why I am pleased to be a cosponsor and strong supporter of the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, considered in the House of Representatives today.

Assistive technology devices and adaptations are critical to ensuring that individuals with disabilities can live with independence and pursue work, education, communication and other aspects of daily living.

Since the Assistive Technology Act was enacted in 1998, assistive technology state grants have provided funds to states to start-up and establish systems for distributing assistive technology devices and services. States have since made significant progress in building and improving these systems. The Maryland Technology Assistance Program, for example, provides a low-interest loan program to help people gain access to and afford critical technologies.

The previous authorization originally included a sunset provision to phase out the state assistance grants. However, as it has become clear that technology was increasingly important and that this program provided crucial assistance, support has grown to make this program permanent.

I am pleased that over the past several years, we have been able to include language in the Labor-HHS-Education bill to waive the sunset provision and adequate funding, so that states would not have to eliminate their programs.

With this important reauthorization bill, we will no longer have to include this language on an annual basis, and individuals with disabilities can be confident that this program will continue to provide states with needed assistance.

I am also pleased that this bill has been written to revise the program with greater focus on providing direct benefits to individuals with disabilities.

I hope all of my colleagues will support this bipartisan legislation.

Mr. CASTLE. Madam Speaker, I rise in support of H.R. 4278, the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004, and thank the gentleman from California (Mr. McKEON) for his work.

The legislation before us today is key to helping thousands of individuals across the country gain access to assistive technology devices and services.

The use of assistive technology can help a child attend school, an adult seek and maintain employment, and individuals of all ages with disabilities participate more fully in society. Every day, the lives of countless individuals with disabilities are made better through access to assistive technology. Assistive technology helps individuals meet the challenges they face every day, and through the use of assistive technology individuals with disabilities can overcome almost any obstacle they face.

With initial passage of the Assistive Technology Act, and past reauthorizations, the job of the state AT projects was one of information and outreach, making people aware of technology options. This reauthorization focuses on how we can enhance these services. However, this legislation by encouraging AT projects across the country to build on other success stories across we can help more people with disabilities to learn, work, and be active participants in their community. One key way H.R. 4278 accomplishes this is through an increased focus on helping individuals actually acquire the assistive technologies that greatly improve their quality of life.

I am particularly proud of the AT work done in Delaware. The Delaware Assistive Technology Initiative connects Delawareans with the technologies that provide many with the opportunity to learn, work, play, and participate in community life safely and independently. Delawareans with disabilities count on the Initiative for access to technology for product demonstration and trial use, for information and consultation about equipment and funding resources, and for the coordination of resources among agencies and organizations. The Initiative runs a used equipment exchange service, publishes an informative newsletter, and helps people connect with the appropriate technology, financial assistance, and skills training. The Initiative has no eligibility limitations, other than Delaware residency. It serves infants through older persons, and addresses the needs of people with any type of disabling condition. There is no other source in Delaware that could replace these services and supports. The staff, and their counterparts in other states, are intimately familiar with the barriers that people with disabilities still encounter relative to employment, education, and community living. Assistive technology and universal design are often keys to access, opportunity, and achievement in all of these arenas, and the Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004 will help to ensure that access leads to opportunity, and that opportunity results in enhanced employment, academic achievement, and community life.

I urge my colleagues to support this reauthorization.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and pass the bill, H.R. 4278, as amended.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**EXPRESSING SENSE OF CONGRESS THAT KATHERINE DUNHAM BE RECOGNIZED FOR HER GROUNDBREAKING ACHIEVEMENTS IN DANCE, THEATER, MUSIC, AND EDUCATION, AS WELL AS HER WORK AS AN ACTIVIST STRIVING FOR RACIAL EQUALITY THROUGHOUT THE WORLD**

Mr. CASTLE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 62) expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world.

The Clerk read as follows:

H. CON. RES. 62

Whereas Katherine Dunham was born on June 22, 1909, and began formal dance training in her late teens;

Whereas, in the 1930s, Katherine Dunham revolutionized American dance by incorporating the roots of black dance and ritual, and by transforming these elements into choreography accessible to all through the Katherine Dunham Technique;

Whereas Katherine Dunham completed her bachelor's degree in social anthropology at the University of Chicago, was a pioneer in the use of folk and ethnic choreography, and was one of the founders of the anthropological dance movement;

Whereas Katherine Dunham utilized her dance career and public status to draw attention to issues of segregation and the civil rights movement;

Whereas Katherine Dunham founded Les Ballet Negre in 1931, the first black ballet company in the United States;

Whereas Les Ballet Negre became known as the Katherine Dunham Dance Company, touring in more than 60 countries during the 1940s;

Whereas Katherine Dunham was a dancer, choreographer, and director on Broadway, and was the first black choreographer at the Metropolitan Opera;

Whereas, in 1945, Katherine Dunham founded the Dunham School of Dance and Theatre in Manhattan, thereby providing a centralized location for students to immerse themselves in dance technique while also studying topics in the humanities, languages, ethics, philosophy, and drama;

Whereas, in 1967, Katherine Dunham established the Performing Arts Training Center in East St. Louis, Missouri, which enrolled high-risk youth into its programs in fine, performing, and cultural arts;

Whereas Katherine Dunham founded the Katherine Dunham Centers for Arts and Humanities in 1969, and the Katherine Dunham Museum and Children's Workshop in 1977;

Whereas Katherine Dunham went on a 47-day hunger strike in 1993 to call attention to the welfare of Haitians, thereby shifting public opinion concerning the United States' relations with Haiti, and helping to precipitate the return of Haiti's first democratically elected president;

Whereas Katherine Dunham has received 10 honorary doctorates and numerous awards, including the Presidential Medal of Arts, the

French Legion of Honor, the NAACP's Lifetime Achievement Award, and the Kennedy Center Honor's Award; and

Whereas Katherine Dunham continues to be an activist, teacher, and mentor to young people throughout the world: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that Katherine Dunham should be recognized for her work as a teacher, dancer, choreographer, and actress, for her dedication to improving the opportunities in the arts that are available to the Nation's youth, and for her lifelong commitment to humanitarian causes around the world.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentleman from Ohio (Mr. RYAN) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 62.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of H. Con. Res. 62. Madam Speaker, I rise in support of this legislation which expresses the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world.

Katherine Dunham has been called the matriarch of black dance. Her unprecedented blend of cultural anthropology with the artistic genre of dance in the early 1930s produced groundbreaking forms of movement and in the United States established black dance as an art form in its own right.

She was born on June 22, 1909 and began formal dance training in her late teens. She completed her Bachelor's Degree in social anthropology at the University of Chicago, was a pioneer in the use of folk and ethnic choreography, and was one of the founders of the Anthropological Dance Movement.

Katherine Dunham utilized her dance career and public status to draw attention to issues of segregation and the civil rights movement. In 1945, Katherine Dunham founded the Dunham School of Dance and Theater in Manhattan, thereby providing a centralized location for students to immerse themselves in dance technique while also studying topics in the humanities, languages, ethics, philosophy and drama.

In 1967, Katherine Dunham established a performing arts training center in East St. Louis, Missouri, which enrolled high risk youth into its program in fine, performing and cultural arts.